

**BOULDER CITY COUNCIL MEETING  
MUNICIPAL BUILDING, 1777 BROADWAY**

**Tuesday, October 18, 2011**

**6:00 p.m.**

**AGENDA**

**1. CALL TO ORDER AND ROLL CALL**

Mayor Osborne called the regular October 18, 2011 City Council meeting to order at 6:00 p.m. in Council Chambers.

Those present were: Mayor Osborne, Deputy Mayor Wilson and Council Members Ageton, Appelbaum, Becker, Cowles, Gray, Karakehian and Morzel.

**A. Ned Williams Retirement Declaration.**

Mayor Osborne read a declaration honoring Public Works, Utilities Director Ned Williams' retirement and declared October 20 Ned Williams Day in the City of Boulder.

**B. Local Foods Declaration.**

Mayor Osborne read a declaration honoring Local Foods Day in Boulder; declared Monday, October 24 as National Food Day and urged residents to participate in related community activities.

**2. OPEN COMMENT and COUNCIL/STAFF RESPONSE – 6:16 p.m.**

1. Joshua Brown with the Fairview Net Zero Club thanked Council for moving the plastic bag issue forward. He commented that Aspen just recently placed a ban on plastic bag use in its community. He urged Council to support this effort in Boulder.
2. Gary Jaycox, owner of Crown Trophy, President of the Boulder Kiwanis Club and parent with a daughter who is a heroin addict spoke in support of the Family Learning Center and how much they had helped his granddaughter. He urged Council to support EET funding for the Family Learning Center and felt Council supported the Wilderness Project with false information that early childhood education needs weren't being met in the community. He raised concern that the Family Learning Center would close because of this decision.
3. Hannah Karpel also thanked Council for pursuing the single use plastic bag issue and urged Council to move this forward.
4. Jason Vogel spoke to the Anemone Hill issue on behalf of the Boulder Mountain Bike Alliance and the positive impacts bike access could have. He urged Council to contact him at the Alliance to share expertise and discuss the issues that Council continues to have concerns about. He provided a packet of materials with some of his ideas.
5. Seth Brigham spoke to the "Occupy Wallstreet" issue and expressed that Boulder government was controlled by the rich. He also urged residents to take back Pearl

Street on Halloween as a non-violent, peaceful protest.

6. Shannon Burke with the Fairview Net Zero Club noted Aspen's ordinance banned plastic bags and placed a fee on paper bags. She urged Council to move the issue forward.
7. Steve Pomerance requested Council initiate a conflict of interest investigation into Deputy Mayor Wilson. He indicated an open records request was initiated on e-mails between Deputy Mayor Wilson and the City Manager and stated various Charter violations. He also commented on the press release from Xcel Energy today and raised concern about the state law on discrimination related to losing Xcel's Solar Rebates and Windsorce program.
8. Rob Smoke spoke to medical marijuana advertising and indicated there was some "code" in the advertising that was hard to decipher. Regarding municipalization he raised concern about Council conduct and asked why it would be upon the voters to discount those issues and place trust in the Council.
9. Bob White, a former Council Member and former local architect, thanked Council for preserving Boulder and the streets in front of his buildings. He thought it was a luxury to see Boulder preserved as it had been done. He commented that his sole purpose for attending the meeting was to thank Council for its service to the community.
10. Oliver D'Orazio spoke to problems with fireworks on the Hill and commented that he did not think students were aware of the increased fines for violations. He urged Council to place signage on the Hill.
11. Steve Keenan spoke to his arrest record and expressed that he was the first person to be arrested and charged based on, at the time, a new state law against harassing the elderly. He indicated he would answer questions of anyone that asked. He also urged residents to pass 2B and 2C and urged Council to hold a grand jury on GMO's.
12. Brenda Lyle with the Family Learning Center acknowledged that the Center appreciated past support they had received from the City. She expressed that the Family Learning Center was left out of consideration during the Wilderness Place project proposal. She had never seen a Council support, at such an extent, another non-profit. Three other existing centers were near that project and Council had inadvertently created competition. She urged Council to find a way to support a compromise and acknowledge the other two centers.
13. Richard Demuth asked Council to consider ordinances to pass laws outlawing noises such as trains and choppers near the the Fairways and other subsidized housing developments; an ordinance to require well lit license plates; and an ordinance outlawing driving while using cell phones or ipods. He also requested that a fence be removed behind Boulder Community Hospital that obstructs access.
14. Maria Silva, a parent with children attending the Family Learning Center, urged Council to consider the Center when making funding decisions. She expressed that the Family Learning Center was a valuable service to the Boulder community and urged Council to reconsider the Wilderness proposal.
15. Alan Smith, a former Parks & Recreation Advisory Board member spoke to the Mesa Memorial park property and urged Council to support the Board's recommendation on the development of that parcel.
16. Peter Richards asked Council to cancel the pedestrian tunnel under Broadway at Euclid. The tunnel was being paid for by a Federal grant and he expressed that it was

not free money. Please do not pursue the project.

17. Ron Brambellia, a 35 year resident of Boulder, also urged Council to consider the Family Learning Center as a valuable community resource when making funding decisions. He did not think enough due diligence was done in the Wilderness Place process.
18. Louie McKee spoke to the Boulder Housing Partners Lee Hill project and expressed that it was not appropriate for the currently proposed location. He would be forwarding a link with more information on his comments to the council email address.

**City Manager Response:**

City Manager Brautigam indicated that she had met with Boulder Housing Partners last week and they would be working on an analysis of various locations throughout the city for homeless transitional housing. She also noted Council would be having a study session with more research available on December 13.

Regarding the Family Learning Center, a letter was received from Brenda Lyle and staff had provided a response to both Ms. Lyle and copied the Council.

**City Attorney Response:**

City Attorney Carr clarified what the DEC was (referred to by Louie McKee in Open Comment) and noted they were quite different than an organization such as Boulder Housing Partners.

**City Council Response:**

Council Member Becker asked whether funding for Wilderness Place compromised funding for the Family Learning Center and whether it impacted them in other ways. She asked whether both projects could coexist in close proximity.

Council Member Gray, as part of the Community Development Block Grant committee, indicated she got to vote on an \$83,000 grant for the Family Learning Center and it had received another \$510,000 grant for remodeling quite some time ago. She thought other operating grants were given to the Family Learning Center. She acknowledged that The Family Learning Center was a valuable community resource and Council Member Becker's questions were valid.

Mayor Osborne commented that funding was provided via EET funding to Boulder Valley School District for early childhood education for the Mapleton School. The Wilderness Place project was based on wraparound services not being provided at the Mapleton School. She noted that one of the Head Start locations would not be able to remain in the current location of Wilderness Place and it could accommodate those needs. She noted it would be great to get more detail for the Learning Center and the parents to clarify some of the concerns raised during open comment.

Council Member Karakehian clarified that no money was given yet to the Wilderness Project. Mayor Osborne noted it was a loan and was a very different arrangement from The Family Learning Center.

Deputy Mayor Wilson responded to accusations from Mr. Pomerance regarding his consulting work in the renewable energy sector. He noted he had been working on solar gardens for several years on his own time. He also did consulting work on Smart Grid issues. He did speak with former City Attorney Gordon and current attorney Tom Carr and they had both concurred that his business was general and not specific to issues Council was addressing. He expressed that he did not previously, nor did he currently have any financial interest in municipalization. He noted that his consulting partner, who was currently supporting some of the ballot measures, were his own efforts and he was not involved. He expressed that while he had strong views on municipalization he had nothing to hide and the accusations were without merit. He urged the City Attorney to look into the violation complaints and welcomed scrutiny on the issue.

Council Member Gray expressed appreciation for Deputy Mayor Wilson's openness and noted that while it would be fair for the City Attorney to look into the violations she wasn't certain if it was a conflict for the attorney. City Attorney Tom Carr noted it was within his prevue to offer conflict of interest advice to any of the nine Council Members.

Council Member Ageton expressed that she did not think the issue needed to be taken to the Attorney General. She thought that if the issue wasn't addressed in the next two weeks it could have an equally unfortunate impact. She suggested allowing the Deputy Mayor to make the decision as he would be impacted the most.

Deputy Mayor Wilson commented that it would be ironic to take expertise away from the issues. His preference would be for the City Attorney to look into the issue and provide a quick opinion.

Council provided a nod of five for the City Attorney to review the violations complaints.

Council Member Cowles expressed that sometimes a quick reaction to a situation wasn't the best approach. There was no pending vote between now and the election.

Council Member Gray raised concern that she did not think Xcel could discriminate against Boulder residents based on location for the Solar Rewards program. City Attorney Tom Carr indicated staff would be looking into this and whether Boulder could object at the PUC.

3. **CONSENT AGENDA: - 7:38 p.m.**

- A. **CONSIDERATION OF A MOTION CALLING A SPECIAL MEETING ON TUESDAY, OCTOBER 25, 2011 AT 6 P.M. TO CONSIDER THE ANEMONE TRAIL ISSUE.**
- B. **CONSIDERATION OF A MOTION TO ACCEPT THE SUMMARY OF THE SEPTEMBER 27, 2011 CITY COUNCIL STUDY SESSION REGARDING THE AFFORDABLE HOUSING TASK FORCE.**
- C. **CONSIDERATION OF A MOTION APPROVING THE PROPOSED 2012 BUDGET, OPERATING PLAN AND BOARD NOMINATIONS FOR THE DOWNTOWN BOULDER BUSINESS IMPROVEMENT DISTRICT.**

- D. **CONSIDERATION OF A MOTION ACCEPTING THE BLACK BEAR AND MOUNTAIN LION COMPONENT OF THE URBAN WILDLIFE MANAGEMENT PLAN (UWMP).**
- E. **CONSIDERATION OF A RESOLUTION NO. 1102 APPOINTING THE EXTERNAL AUDIT FIRM OF BKD, LLP TO EXAMINE THE FINANCIAL ACCOUNTS OF THE CITY OF BOULDER FOR THE YEAR ENDING DECEMBER 31, 2011.**
- F. **THIRD READING AND CONSIDERATION OF A MOTION TO ADOPT ORDINANCE NO. 7816 REPEALING AND RE-ENACTING SECTION 11-1-19, "WATER AND DITCH RIGHTS," B.R.C. 1981, TO ADDRESS AGREEMENTS FOR RIGHT OF FIRST REFUSAL, PURCHASE AND SALE OF WATER OR DITCH RIGHTS AND RESULTING ADJUSTMENT OF WATER BUDGET.**
- G. **INTRODUCTION, FIRST READING AND CONSIDERATION OF A MOTION TO ORDER PUBLISHED BY TITLE ONLY AN ORDINANCE NO. 7821 ADOPTING AN INTERGOVERNMENTAL AGREEMENT WITH THE COLORADO DEPARTMENT OF TRANSPORTATION CONCERNING THE USE OF CITY OF BOULDER PROPERTY TO MEET WETLAND MITIGATION REQUIREMENTS FOR THE U.S. 36 CORRIDOR IMPROVEMENT PROJECT.**
- H. **CONTINUATION AND CONSIDERATION OF THE FOLLOWING ITEMS RELATED TO A DEVELOPMENT PROJECT TITLED HARPER HOLLOW LOCATED ON A BOULDER COUNTY PROPERTY IDENTIFIED AS 3015 KALMIA AVENUE:**
  - 1. **SECOND READING AND CONSIDERATION OF A MOTION TO ADOPT ORDINANCE NO. 7806 TO ANNEX AND ZONE THE SUBJECT PROPERTY TO FLEX DISTRICT ZONING PER SUBSECTION 9-5-2(c)(7), B.R.C. 1981; AND**
  - 2. **SITE REVIEW (#LUR2007-00032) TO PERMIT A TOTAL OF 57 DWELLING UNITS (29 SINGLE-FAMILY, 16 DUPLEX UNITS, AND 12 FOURPLEX UNITS), WHICH INCLUDES AN EXISTING HOUSE PROPOSED FOR LANDMARKING****THIS APPLICATION ALSO INCLUDES A REQUEST FOR VESTED RIGHTS PURSUANT TO SECTION 9-2-19, B.R.C. 1981.**  
**APPLICANT/PROPERTY OWNER: HARPER HOLLOW, LLC**

City Clerk Lewis noted that Ordinance No. 7806 of item 3H had an incorrect date and the signed version this evening would have an October 18, 2011 date.

Council Member Appelbaum asked about the city's responsibilities related to the CDOT memo. Staff would provide an answer to the first reading question in the second reading memo. Regarding Item 3D, he asked about requiring bear proof containers. He noted Louisville had



some similar services that would be less than half the cost provided in the memo. He thought staff should take another look at that, particularly if cost was the only barrier.

Mayor Osborne commented on recent bear activity in her neighborhood and expressed that she would support a further look at the bear proof containers. She noted that trucks with the automatic arm could not be used in the alleys which contributed to some of the extra costs.

Deputy Mayor Wilson suggested staff should consider a pilot project next fall to try bear resistant containers in parts of the city.

Council Member Karakehian commented that much could be avoided by individuals putting garbage cans in their garages when possible.

Council Member Karakehian moved, seconded by Morzel to approve consent agenda items 3A through 3H. The motion carried unanimously 9:0 at 7:50 p.m.

4. **POTENTIAL CALL- UP CHECK IN: - 7:50 p.m.**

There were no call-ups on the agenda.

**ORDER OF BUSINESS**

5. **PUBLIC HEARINGS: - 7:50 p.m.**

**\*Public Hearing items 5A through 5G will be held as one public hearing\*\***

**A. CONSIDERATION OF THE FOLLOWING ITEMS RELATING TO THE 2012 BUDGET:**

1. **PUBLIC HEARING ON THE PROPOSED 2012 CITY OF BOULDER BUDGET;  
AND**
2. **SECOND READING AND CONSIDERATION OF A MOTION TO ADOPT  
ORDINANCE NO. 7817 THAT ADOPTS A BUDGET FOR THE CITY OF  
BOULDER, COLORADO, FOR THE FISCAL YEAR COMMENCING ON THE  
FIRST DAY OF JANUARY 2012 AND ENDING ON THE LAST DAY OF  
DECEMBER 2012, AND SETTING FORTH DETAILS IN RELATION THERETO;  
AND**
3. **SECOND READING AND CONSIDERATION OF A MOTION TO ADOPT  
ORDINANCE NO. 7818 THAT ESTABLISHES THE 2011 CITY OF BOULDER  
PROPERTY TAX MILL LEVIES WHICH ARE COLLECTED BY THE COUNTY OF  
BOULDER, STATE OF COLORADO, WITHIN THE CITY OF BOULDER IN  
2012 FOR PAYMENT OF EXPENDITURES BY THE CITY OF BOULDER,  
COUNTY OF BOULDER, STATE OF COLORADO, AND SETTING FORTH  
DETAILS IN RELATION THERETO; AND**
4. **SECOND READING AND CONSIDERATION OF A MOTION TO ADOPT  
ORDINANCE NO. 7819 THAT APPROPRIATES MONEY TO DEFRAY  
EXPENSES AND LIABILITIES OF THE CITY OF BOULDER, COLORADO, FOR  
THE 2012 FISCAL YEAR OF THE CITY OF BOULDER, COMMENCING ON THE**

**FIRST DAY OF JANUARY 2012, AND ENDING ON THE LAST DAY OF DECEMBER 2012, AND SETTING FORTH DETAILS IN RELATION THERETO; AND**

**5. SECOND READING AND CONSIDERATION OF A MOTION TO ADOPT ORDINANCE NO. 7820 THAT AMENDS CHAPTERS 2-6, 3-9 AND 4-20 B.R.C. 1981 CHANGING CERTAIN FEES AND SETTING FORTH DETAILS IN RELATION THERETO.**

City Manager Brautigam introduced the item and thanked staff for its hard work on the Budget this year.

Peggy Bunzli provided a brief presentation on the item with an overview of the 2012 recommended budget and citywide expenditures compared to revenues.

Deputy Mayor Wilson requested clarification for the public on why it looked as though the city was spending more next year than normal.

City Manager Brautigam indicated that each year, savings were placed in reserves for various projects and when those funds were available, the projects were completed. Staff continually looked ahead for projects and utilized priority based budgeting and savings in reserves to ensure a fiscally sound future.

The public hearing was opened:

1. Angelique Espinoza with the Chamber of Commerce spoke to collaboration with the City over the years and noted how the City benefited from Chamber membership.
2. Betty Artes, a non-resident business owner and Chamber Board member spoke to the unique relationship between the City and the Chamber. She expressed that it was unfortunate the City had dropped its membership due to political pressures and was a disappointment to the business community. She urged Council to take another look at its decision.

There being no further speakers the public hearing was closed.

Several Council Members expressed that their vote to remove Chamber membership funding in no way reflected a lack of support for the Chamber's work and the business community. It was strictly a decision based on the appropriateness of funding an organization that supported Council candidates during an election.

Council Member Appelbaum moved, seconded by Gray to:

1. Adopt Ordinance No. 7817 that adopts a budget for the City of Boulder, Colorado, for the fiscal year commencing on the first day of January 2012 and ending on the last day of December 2012, and setting forth details in relation thereto; and
2. Adopt Ordinance No. 7818 that establishes the 2011 City of Boulder property tax mill levies which are collected by the County of Boulder,

- State of Colorado, within the City of Boulder in 2012 for payment of expenditures by the City of Boulder, County of Boulder, State of Colorado, and setting forth details in relation thereto; and
3. Adopt Ordinance No. 7819 that appropriates money to defray expenses and liabilities of the City of Boulder, Colorado, for the 2012 fiscal year of the City of Boulder, commencing on the first day of January 2012, and ending on the last day of December 2012, and setting forth details in relation thereto; and
4. Adopt Ordinance No. 7820 that amends Chapters 2-6, 3-9 and 4-20 B.R.C. 1981 changing certain fees and setting forth details in relation thereto.

The motion carried unanimously 9:0 at 8:19 p.m.

By acclamation Council adjourned from the Boulder City Council and convened as the Central Area General Improvement District (CAGID) Board of Directors and;

**B. CONSIDERATION OF A MOTION TO ADOPT THREE RESOLUTIONS PERTAINING TO THE 2012 BUDGET OF THE CITY OF BOULDER DOWNTOWN COMMERCIAL DISTRICT FUND (FORMERLY KNOWN AS THE CENTRAL AREA GENERAL IMPROVEMENT DISTRICT FUND):**

1. **A RESOLUTION CONCERNING THE CITY OF BOULDER DOWNTOWN COMMERCIAL DISTRICT FUND (FORMERLY KNOWN AS THE CENTRAL AREA GENERAL IMPROVEMENT DISTRICT FUND), ADOPTING A BUDGET FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2012; AND**
2. **A RESOLUTION ESTABLISHING THE 2011 CITY OF BOULDER CENTRAL AREA GENERAL IMPROVEMENT DISTRICT PROPERTY TAX MILL LEVY FOR PAYMENT OF EXPENDITURES, IN PART, OF THE DISTRICT DURING THE FISCAL YEAR 2012, AND SETTING FORTH DETAILS IN RELATION THERETO; AND**
3. **A RESOLUTION APPROPRIATING MONEY TO DEFRAY THE EXPENSES AND LIABILITIES OF THE CITY OF BOULDER DOWNTOWN COMMERCIAL DISTRICT FUND (FORMERLY KNOWN AS THE CENTRAL AREA GENERAL IMPROVEMENT DISTRICT FUND) FOR THE 2012 FISCAL YEAR AND SETTING FORTH DETAILS IN RELATION THERETO; AND**

Council Member Gray moved, seconded by Karakehian to:

1. Adopt Resolution No. 240 concerning the City of Boulder Downtown Commercial District Fund (formerly known as the Central Area General Improvement District Fund), adopting a budget for the fiscal year beginning January 1, 2012; and
2. Adopt Resolution No. 241 establishing the 2011 City of Boulder Central Area General Improvement District property tax mill levy for payment of expenditures, in part, of the district during the fiscal year 2012, and setting forth details in relation thereto; and



3. Adopt Resolution No. 242 appropriating money to defray the expenses and liabilities of the City of Boulder Downtown Commercial District Fund (formerly known as the Central Area General Improvement District Fund) for the 2012 fiscal year and setting forth details in relation thereto; and

The motion carried unanimously 9:0 at 8:20 p.m.

By acclamation, Council adjourned from the Central Area General Improvement District (CAGID) Board of Directors and convened as the University Hill General Improvement District (UHGID) Board of Directors; and

**C. CONSIDERATION OF A MOTION TO ADOPT THREE RESOLUTIONS PERTAINING TO THE 2012 BUDGET OF THE CITY OF BOULDER UNIVERSITY HILL COMMERCIAL DISTRICT FUND (FORMERLY KNOWN AS THE UNIVERSITY HILL GENERAL IMPROVEMENT DISTRICT FUND):**

1. **A RESOLUTION CONCERNING THE CITY OF BOULDER UNIVERSITY HILL COMMERCIAL DISTRICT FUND (FORMERLY KNOWN AS THE UNIVERSITY HILL GENERAL IMPROVEMENT DISTRICT FUND), ADOPTING A BUDGET FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2012; AND**
2. **A RESOLUTION ESTABLISHING THE 2011 CITY OF BOULDER UNIVERSITY HILL GENERAL IMPROVEMENT DISTRICT PROPERTY TAX MILL LEVY FOR PAYMENT OF EXPENDITURES, IN PART, OF THE DISTRICT DURING THE FISCAL YEAR 2012, AND SETTING FORTH DETAILS IN RELATION THERETO; AND**
3. **A RESOLUTION APPROPRIATING MONEY TO DEFRAY THE EXPENSES AND LIABILITIES OF THE CITY OF BOULDER UNIVERSITY HILL COMMERCIAL DISTRICT FUND (FORMERLY KNOWN AS THE UNIVERSITY HILL GENERAL IMPROVEMENT DISTRICT FUND) FOR THE 2012 FISCAL YEAR AND SETTING FORTH DETAILS IN RELATION THERETO; AND**

Council Member Cowles moved, seconded by Morzel to:

1. Adopt Resolution No. 179 concerning the City of Boulder University Hill Commercial District Fund (formerly known as the University Hill General Improvement District Fund), adopting a budget for the fiscal year beginning January 1, 2012; and
2. Adopt Resolution No. 180 establishing the 2011 City of Boulder University Hill General Improvement District property tax mill levy for payment of expenditures, in part, of the District during the fiscal year 2012, and setting forth details in relation thereto; and
3. Adopt Resolution No. 181 appropriating money to defray the expenses and liabilities of the City of Boulder University Hill Commercial District Fund (formerly known as the University Hill General

Improvement District Fund) for the 2012 fiscal year and setting forth details in relation thereto; and

The motion carried unanimously 9:0 at 8:21 p.m.

By acclamation, Council adjourned from the University Hill General Improvement District (UHGID) Board of Directors and convened as the Boulder Municipal Property Authority Board of Directors; and

**D. CONSIDERATION OF A MOTION TO ADOPT A RESOLUTION FORMALLY ADOPTING THE 2012 BUDGET FOR THE BOULDER MUNICIPAL PROPERTY AUTHORITY; AND**

Council Member Cowles moved, seconded by Morzel to adopt Resolution No. 132 adopting the 2012 Budget for the Boulder Municipal Property Authority. The motion carried unanimously 9:0 at 8:22 p.m.

By acclamation, Council adjourned from the Boulder Municipal Property Authority Board of Directors and convened as the Forest Glen Transit Pass General Improvement District Board of Directors; and

**E. CONSIDERATION OF A MOTION TO ADOPT THREE RESOLUTIONS PERTAINING TO THE 2012 BUDGET OF THE CITY OF BOULDER FOREST GLEN TRANSIT PASS GENERAL IMPROVEMENT DISTRICT FUND:**

- 1. A RESOLUTION CONCERNING THE CITY OF BOULDER FOREST GLEN TRANSIT PASS GENERAL IMPROVEMENT DISTRICT, ADOPTING A BUDGET FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2012; AND**
- 2. A RESOLUTION ESTABLISHING THE 2011 CITY OF BOULDER FOREST GLEN TRANSIT PASS GENERAL IMPROVEMENT DISTRICT PROPERTY TAX MILL LEVY FOR PAYMENT OF EXPENDITURES, IN PART, OF THE DISTRICT DURING THE FISCAL YEAR 2012, AND SETTING FORTH DETAILS IN RELATION THERETO; AND**
- 3. A RESOLUTION APPROPRIATING MONEY TO DEFRAY THE EXPENSES AND LIABILITIES OF THE CITY OF BOULDER FOREST GLEN TRANSIT PASS GENERAL IMPROVEMENT DISTRICT FOR THE 2012 FISCAL YEAR AND SETTING FORTH DETAILS IN RELATION THERETO; AND**

Council Member Ageton moved, seconded by Becker to:

1. Adopt Resolution No. 37 concerning the City of Boulder Forest Glen Transit Pass General Improvement District, adopting a budget for the fiscal year beginning January 1, 2012; and
2. Adopt Resolution No. 38 establishing the 2011 City of Boulder Forest Glen Transit Pass General Improvement District property tax mill levy for payment of expenditures, in part, of the District during the fiscal year 2012, and setting forth details in relation thereto; and

3. Adopt Resolution No. 39 appropriating money to defray the expenses and liabilities of the City of Boulder Forest Glen Transit Pass General Improvement District for the 2012 fiscal year and setting forth details in relation thereto; and

The motion carried unanimously 9:0 at 8:23 p.m.

By acclamation, Council adjourned from the City of Boulder Forest Glen Transit Pass General Improvement District Board of Directors, and convened as the Boulder Junction Access Commission General Improvement District - Parking Board of Directors.

**F. CONSIDERATION OF A MOTION TO ADOPT THREE RESOLUTIONS PERTAINING TO THE 2012 BUDGET OF THE CITY OF BOULDER, BOULDER JUNCTION ACCESS COMMISSION GENERAL IMPROVEMENT DISTRICT – PARKING FUND:**

1. **A RESOLUTION CONCERNING THE CITY OF BOULDER, BOULDER JUNCTION ACCESS COMMISSION GENERAL IMPROVEMENT DISTRICT – PARKING FUND ADOPTING A BUDGET FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2012; AND**
2. **A RESOLUTION ESTABLISHING THE 2011 CITY OF BOULDER, BOULDER JUNCTION ACCESS COMMISSION GENERAL IMPROVEMENT DISTRICT – PARKING FUND PROPERTY TAX MILL LEVY FOR PAYMENT OF EXPENDITURES, IN PART, OF THE DISTRICT DURING THE FISCAL YEAR 2012, AND SETTING FORTH DETAILS IN RELATION THERETO; AND**
3. **A RESOLUTION APPROPRIATING MONEY TO DEFRAY THE EXPENSES AND LIABILITIES OF THE CITY OF BOULDER, BOULDER JUNCTION ACCESS COMMISSION GENERAL IMPROVEMENT DISTRICT – PARKING FUND FOR THE 2012 FISCAL YEAR AND SETTING FORTH DETAILS IN RELATION THERETO; AND**

Council Member Cowles moved, seconded by Morzel to:

1. Adopt Resolution No. 2 concerning the City of Boulder, Boulder Junction Access Commission General Improvement District – Parking Fund adopting a budget for the fiscal year beginning January 1, 2012; and
2. Adopt Resolution No. 3 establishing the 2011 City of Boulder, Boulder Junction Access Commission General Improvement District – Parking Fund property tax mill levy for payment of expenditures, in part, of the District during the fiscal year 2012, and setting forth details in relation thereto; and
3. Adopt Resolution No. 4 appropriating money to defray the expenses and liabilities of the City of Boulder, Boulder Junction Access Commission General Improvement District – Parking Fund for the 2012 fiscal year and setting forth details in relation thereto; and

The motion carried unanimously 9:0 at 8:24 p.m.

By acclamation, Council adjourned from the Boulder Junction Access Commission General Improvement District - Parking Board of Directors Fund and convened as the Board of Directors of the Boulder Junction Access Commission General Improvement District – Travel Demand Management.

G. Consideration of a motion to adopt **three resolutions pertaining to the 2012 budget of the City of Boulder, Boulder Junction Access Commission General Improvement District – Travel Demand Management:**

1. A **resolution** concerning the City of Boulder, Boulder Junction Access Commission General Improvement District – Travel Demand Management Fund, **adopting a budget** for the fiscal year beginning January 1, 2012; and
2. A **resolution establishing the 2011** City of Boulder, Boulder Junction Access Commission General Improvement District – Travel Demand Management **property tax mill levy** for payment of expenditures, in part, of the District during the fiscal year 2012, and setting forth details in relation thereto;
3. A **resolution appropriating money to defray the expenses and liabilities of the** City of Boulder, Boulder Junction Access Commission General Improvement **District** – Travel Demand Management Fund for the 2012 fiscal year and setting forth details in relation thereto; and

Mayor Osborne moved, seconded by Wilson to:

1. Adopt Resolution No. 2 concerning the City of Boulder, Boulder Junction Access Commission General Improvement District – Travel Demand Management Fund, adopting a budget for the fiscal year beginning January 1, 2012; and
2. Adopt Resolution No. 3 establishing the 2011 City of Boulder, Boulder Junction Access Commission General Improvement District – Travel Demand Management property tax mill levy for payment of expenditures, in part, of the District during the fiscal year 2012, and setting forth details in relation thereto;
3. Adopt Resolution No. 4 appropriating money to defray the expenses and liabilities of the City of Boulder, Boulder Junction Access Commission General Improvement District – Travel Demand Management Fund for the 2012 fiscal year and setting forth details in relation thereto; and

The motion carried unanimously 9:0 at 8:25 p.m.

By acclamation, Council adjourned from the Boulder Junction Access Commission General Improvement District – Travel Demand Management Board of Directors and reconvened as the City Council.



**H. CONSIDERATION OF THE FOLLOWING ITEMS RELATED TO A DEVELOPMENT PROJECT PROPOSED FOR A BOULDER COUNTY PROPERTY IDENTIFIED AS 6400 ARAPAHOE: - 8:25 P.M.**

- 1. APPROVAL OF THE BOULDER VALLEY COMPREHENSIVE PLAN (BVCP) PLANNING AREA BOUNDARY CHANGE FOR THE PROJECT SITE FROM PLANNING AREA IIB TO IIA;**
- 2. SECOND READING AND CONSIDERATION OF A MOTION TO ADOPT ORDINANCE NO. 7810 TO ANNEX AND ZONE A 2.79 ACRE PORTION OF ARAPAHOE ROAD FROM 62<sup>ND</sup> STREET ON THE WEST EXTENDING EASTWARD TO A POINT ALONG THE NORTH PROPERTY LINE OF 6400 ARAPAHOE ROAD WITH AN INITIAL ZONING CLASSIFICATION OF INDUSTRIAL GENERAL (IG) PER SUBSECTION 9-5-2(C)(7), B.R.C. 1981.**
- 3. SECOND READING AND CONSIDERATION OF A MOTION TO ADOPT ORDINANCE NO. 7811 TO ANNEX AND ZONE 9.56 ACRES OF LAND GENERALLY LOCATED AT 6400 ARAPAHOE WITH AN INITIAL ZONING CLASSIFICATION OF INDUSTRIAL GENERAL (IG).**
- 4. SECOND READING AND CONSIDERATION OF A MOTION TO ADOPT ORDINANCE NO. 7812 TO ANNEX AND ZONE A 0.25 ACRE PORTION OF ARAPAHOE ROAD, GENERALLY LOCATED NORTHWEST OF 6400 ARAPAHOE ROAD WITH AN INITIAL ZONING CLASSIFICATION OF INDUSTRIAL GENERAL (IG); AND**
- 5. SITE AND USE REVIEW (NO. LUR2011-00023) APPROVAL TO PERMIT THE PHASED REDEVELOPMENT OF 6400 ARAPAHOE ROAD FOR ECO-CYCLE'S OFFICE, COMMERCIAL HAULING OPERATIONS AND CENTER FOR HARD-TO-RECYCLE MATERIALS (CHARM) AND ReSource OPERATIONS; AND TO PERMIT THE USE OF THE SITE AS A RECYCLING PROCESSING FACILITY, INCLUDING THE FOLLOWING USES: BUILDING MATERIAL SALES, LUMBER YARD, ADMINISTRATIVE OFFICE, DISTRIBUTION FACILITY, OUTDOOR STORAGE, AND OUTDOOR DISPLAY OF MERCHANDISE.**

Community Planning and Sustainability Director David Driskell introduced the item.

Elaine McLaughlin provided the presentation on the item and gave some history on annexations done throughout the city. This annexation required contiguity which was achieved, prior to annexation. The site had been served with utilities since 1978 and met development patterns to move it into the IIA Planning Area. Community interest was also achieved and it furthered the goals for the Zero Waste Master Plan.

The initial zoning of Industrial General was appropriate given it was surrounded by other industrial uses. The properties developed over time were consistent with the Comprehensive Plan. Ms. McLaughlin also highlighted planned CDOT improvements.

Proposed uses for the site included Eco-Cycles's office, commercial hauling operations and Center for Hard-to-Recycle Materials (CHaRM) and ReSource operations and to permit use of the site as a Recycling Processing Facility including building material sales,



lumber yard, administrative office, distribution facility, outdoor storage, and outdoor display of merchandise.

Neighbor concerns and responses included noise, traffic congestion, dust and noise from demolition of asphalt and concrete machinery and hazardous waste. Staff conducted a noise analysis demonstrating that it was within the City and County criteria. Traffic reports indicated they would be well within acceptable volumes, even without CDOT improvements. A condition of approval was added that won't permit asphalt and concrete demolition. Additionally, a condition was added that any hazardous materials would not be accepted on the site.

The site design included building upgrades and new construction, landscape improvements and lighting standards, on and off site circulation improvements and drainage improvements; all of which would meet Boulder Valley Comprehensive Plan policies. Use Review consistency with Industrial General zoning was also achieved.

The staff and Planning Board recommendations were included in the memo as the recommended motion language.

Council Member Karakehian asked if the current construction was part of the CDOT project. Staff confirmed and indicated CDOT work would be an 18 month project and would continue down to 75<sup>th</sup> Street.

Council Member Appelbaum asked about the subdivision of the lots and phases. He thought the property would be more valuable if the boundary came all the way to Arapahoe. Carol Adams, Planning consultant, commented that the retention pond was the lowest area of the property. A shared entry drive would allow for a landscape setback because of the retention area. Mr. Appelbaum expressed that this greatly decreased the value of the land the City owned. He then asked, in terms of Phase I, was there anything created that would be significantly altered in Phase II? Staff responded that there was intent to reuse the existing building and add on to it. Mr. Appelbaum asked why site review was being approved for the last two phases when there was no current funding. Staff responded that there was an opportunity to allow development over time based on assumptions that funding would be found over time to achieve the ultimate vision. Mr. Appelbaum expressed it was an odd approach given that the master plan would be done next year based on priorities.

David Driskell clarified that nothing was confirmed for Phase III, only some potential ideas. He noted there was the expression from Council of a desire to maintain options. The property acquisition was structured around those desires. The most important items were the conditions that were included in the site review. Phases I and II were consistent with a discussion with Council last year and included an achievable Phase I. This would not achieve the full set of facilities that the non-profits would like to see there. Phases II and III were contingent upon funding and the possibility of finding other investors in the location.

Charles Ferro noted that phased site reviews were done often and modifications were allowed to handle any changes. Modifications would be reviewed by Planning Board and subject to call-up by Council.

Council Member Ageton asked about the costs and how they are being divided between City divisions. Elizabeth Vasatka responded that the project was being funded by the trash tax and FAM would be taking care of the property as it became a city facility. The LEED division pays FAM and Utilities. She then asked about the use of the term “capital campaign” in attachment C on page 35 (c). Staff noted in this case it was intended to describe the priority placed on specific projects in terms of seeking funding for Phase II.

Council Member Gray disagreed that the retention pond devalued the third lot. She suggested that Arapahoe used to be a Memorial Highway and would like to see a few of the trees along the frontage on Arapahoe. This was a pattern that seemed to be repeated along Arapahoe.

Deputy Mayor Wilson asked how much money was being spent on the retention pond in Phase I. Charles Ferro responded it was required. Elizabeth Vasatka responded the cost was approximately \$55,000 and staff was working to make this more aesthetically pleasing.

**Applicant Presentation:**

Elizabeth Vasatka provided a presentation on behalf of the City of Boulder as the applicant. She provided an overview of some of the project milestones and the process timeline and development phases. A Phase I Operations Management plan and site plan graphic were included in Council’s memorandum.

The public hearing was opened at 9:17 p.m.

1. Judy Renfroe expressed that she was pleased with how things had turned out and happy to see the conditions put on the site. She hoped Phase III would still be a city sponsored project to incorporate new zero waste technology. This was a great outcome of a two year long project.

There being no further speakers the public hearing was closed.

Council Member Appelbaum expressed, for the record, that he would support the motion but stressed that the site and use review was conceptual.

Council Member Gray moved, seconded by Wilson to:

1. Approve the Boulder Valley Comprehensive Plan (BVCP) Planning Area boundary change for the project site from Planning Area IIb to IIa;
2. Adopt Ordinance No. 7810 to annex and zone a 2.79 acre portion of Arapahoe Road from 62<sup>nd</sup> Street on the west extending eastward to a point along the north property line of 6400 Arapahoe Road with an initial zoning classification of Industrial General (IG) per subsection 9-5-2(c)(7), B.R.C. 1981.
3. Adopt Ordinance No. 7811 to annex and zone 9.56 acres of land generally located at 6400 Arapahoe with an initial zoning classification of Industrial General (IG).
4. Adopt Ordinance No. 7812 to annex and zone a 0.25 acre portion of Arapahoe Road, generally located northwest of 6400 Arapahoe Road with an initial zoning classification of Industrial General (IG); and

5. Approve the Site and Use Review (no. LUR2011-00023) to permit the phased redevelopment of 6400 Arapahoe Road for Eco-cycle's office, commercial hauling operations and Center for Hard-to-Recycle Materials (CHaRM) and ReSource operations; and to permit the use of the site as a Recycling Processing Facility, including the following uses: Building Material Sales, Lumber Yard, Administrative Office, Distribution Facility, Outdoor Storage, and Outdoor Display of Merchandise.

The motion carried unanimously 8:0; Morzel absent at 9:23 p.m.

6. **MATTERS FROM THE CITY MANAGER:**

None.

7. **MATTERS FROM THE CITY ATTORNEY:**

None.

8. **MATTERS FROM MAYOR AND MEMBERS OF COUNCIL:**

A. **Potential Call-ups:** None.

**OTHER MATTERS:**

Council Members presented City Manager Brautigam with a wedding gift.

9. **PUBLIC COMMENT ON MATTERS:**

None.

10. **FINAL DECISIONS ON MATTERS:**

None.

11. **ADJOURNMENT**

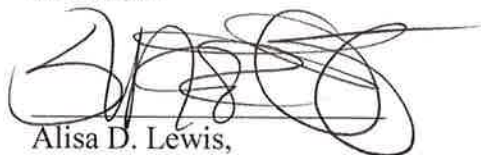
There being no further business to come before Council at this time, BY MOTION REGULARLY ADOPTED, THE MEETING WAS ADJOURNED AT 9:25 P.M.

APPROVED BY:



Susan Osborne,  
Mayor

ATTEST:



Alisa D. Lewis,  
City Clerk